



CITY OF MEMPHIS

COUNCIL AGENDA

February 16, 2016

Public Session Tuesday, 3:30 p.m.

Council

Chambers, First Floor, City Hall
125 North Main Street
Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (February 2, 2016)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

DIVISION OF PLANNING AND DEVELOPMENT

1. RESOLUTION approving a special use permit located on the northeast corner of Jackson Avenue and N. Front Street, containing 1.07 acres in the Mixed Use (MU) District. This resolution is sponsored by the Office of Planning and Development. (Held from 9/1; 11/3; 12/15; 1/5; 1/19)
Colvett
Chairman,
Planning &
Zoning
- Case No. SUP 15-213

Applicant: Front Street Group, LLC
Brenda Solomito Basar – Representative

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Request: Allow an extended stay hotel and retail component

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

2. RESOLUTION approving a special use permit located on the SE corner of Brooks and Colvett McCorkle, Parcel ID 07700500001C, containing 1.70 acres in the Commercial Mixed Chairman, Use (CMU-3) District. This resolution is sponsored by the Office of Planning and Planning & Development. (Held from 12/1; 12/15) **(This item was pulled from the 01/15/16 Zoning Minutes and placed back on this Agenda).** Committee Case No. SUP 15-216

Applicant: RS Harris, LLC
Phil Schechtman – Representative

Request: To allow tractor trailer servicing and a trailer drop yard

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

3. RESOLUTION approving a special use permit located at 2119 Chelsea Avenue Colvett (Parcel ID 041043 00001), containing 0.15 acre in the Commercial Mixed Use-3 (CMU-Chairman, 3) District. This resolution is sponsored by the Office of Planning and Development. Planning & (Held from 2/2) Zoning Committee Case No. SUP 15-221

Applicant: Marvin Coleman
McCaskill & Associates, Inc. – Tim McCaskill – Representative

Request: A Special Use Permit to allow the sale of fuel efficient late model vehicles in the Commercial Mixed Use-3 (CMU-3) zoning district

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

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4. RESOLUTION approving street/alley closures located at Echles Street between Colvett Spottswood Avenue and Southern Avenue, Loggins Avenue between Echles Chairman, Street and Houston Street, Alley 'A' between Loggins Avenue and Alley 'B', Planning & Alley 'B' between Echles Street and Houston Street, containing 1.08 acres, 0.24 acre, Zoning 0.11 acre and 0.15 acre in the Campus Master Plan-1 (CMP-1) District. This resolution is Committee sponsored by the Office of Planning & Development.

Case No. SAC 15-611,
SAC 15-612, SAC 15-613
and SAC 15-614

Applicant: The University of Memphis
Tony Poteet – Representative

Request: To vacate four sections of public right-of-ways in the Campus
Master Plan-1 (CMP-1) district

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving a special use permit located at 5172 S. Third Street, containing Colvett 0.2333 acre in the Commercial Mixed Use (CMU-3) District. This resolution is Chairman, sponsored by the Office of Planning & Development.

Case No. SUP 15-225

Planning &
Zoning
Committee

Applicant: Mr. Antonio Linzey
David Bray; The Bray Firm – Representative

Request: To allow a used auto sales establishment

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a special use permit located at 2016 Pendleton Street (Parcel ID 059021 00001), containing 3.47 acres (Lease Area 65' X 65'), in the Institutionally-used property within a Residential Single Family-6 (R-6) District. This resolution is sponsored by the Office of Planning & Development.

Case No. SUP 16-01

Applicant: St. Matthews Missionary Baptist Church/Tower Assets Newco IX. LLC-Tower Venture

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Lou Katzerman – Representative

Request: A Special Use Permit to allow the construction of a 160' tall, flush mount, Commercial Mobile Communications Service (CMCS) Tower

LUCB and OPD recommendation : APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

7.
Colvett
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning the northeast, southeast and southwest corners of New Allen Road and New Frayser Boulevard, containing 178 acres in the Residential Single Family (R-6), Residential Urban (RU-2) and (RU-3) and Commercial Mixed Use (CMU-1) Districts, up for T H I R D and F I N A L reading. This resolution is sponsored by the Office of Planning & Development.

Case No. Z 15-104
Ordinance No. 5609

Applicant: Belz Investco, GP
Burch-Porter-Johnson, PLLC – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

68 NOTICES WERE MAILED ON FEBRUARY 5, 2016

OF MEMPHIS CITY

COUNCIL AGENDA

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125 N. Main Street

Memphis, TN 38103-2017

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

8. **NOTATION** from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 16-01 – NORTH HOLLYWOOD PLANNED DEVELOPMENT

Located on the northwest quadrant of I-40 and Hollywood, containing 20.82 acres, vacant land in the Commercial Mixed-Use-3 (CMU-3) zoning district

Applicant: Patel Manherlal T Living Trust/Hospitality Builders of America, Inc.
Scot Woodard – Representative

Request: Planned development in North Memphis to allow uses of convenience store with gas pumps, hotel, retail, restaurant with drive-thru lane and truck washing

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 1, 2016

**CITY
OF MEMPHIS**

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REGULAR AGENDA



CITY OF MEMPHIS

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MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11775, Roof Maintenance, to Dakota Corporation, d/b/a Jessie Bryant Roofing, based on approved unit prices, in the funded amount, not-to-exceed \$65,000.00. (Held from 2/2).
10. RESOLUTION approving payment of an invoice from Tennessee One Call System, Inc., for annual membership dues for the year 2016 plus locate request tickets, in the amount of \$101,514.80. (Held from 2/2).
11. RESOLUTION approving Change No. 2 to Contract No. 11647, Blanket Contract Drilled Pier Foundation, with Reliable Constructors, Incorporated, in the funded amount not-to-exceed \$165,890.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period February 5, 2016 through February 4, 2017. This renewal reflects a 1.88% increase in rates from the previous year due to an increase in material and equipment costs. In addition, this amount includes potential emergency projects.) (Held from 2/2).
12. RESOLUTION awarding Contract No. 11817, High Volume Outage Call Management, to West Notifications, Incorporated, d/b/a Twenty First Century Communications, in the funded amount of \$2,222,200.00. (Held from 2/2).
13. RESOLUTION awarding a contract to W. R. Grace & Company, for molecular sieve and support balls, in the amount of \$58,920.00. (Held from 2/2).
14. RESOLUTION approving payment of an invoice from the City of Memphis Public Works Department for the annual sewer discharge fee, for the 2014 filter backwash discharge for seven water pumping stations, in the amount of \$413,687.17. (Held from 2/2).
15. RESOLUTION approving Change No. 1 to Contract No. 11715, In-Service Wood Pole Truss Restoration System, with Osmose Utilities Services, Incorporated, based on agreed to rates, in the funded amount of \$600,000.00. (This change is to renew the current contract for the first of four annual renewal terms for the period covering December 4, 2015 through December 3, 2016.) (Held from 2/2).
16. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for controls, in the amount of \$79,904.00. (Held from 2/2).

17. RESOLUTION approving Change No. 4 to Contract No. 11476, Industrial Psychology Services, with Lopez and Associates, in the funded amount of \$42,000.00. (This change is to renew the current contract for a three year term for the period covering April 1, 2016 through March 31, 2019, with no increase from the previous years.) (Held from 2/2)
18. RESOLUTION granting MLGW the approval to make a payment of for a litigation settlement, in the amount of \$59,962.50. (SAME NIGHT MINUTES REQUESTED) (Held from 2/2).
19. RESOLUTION approving payment of an invoice from the American Gas Association for the 2016 annual membership dues, in the amount of \$59,600.00.
20. RESOLUTION approving the amendment of Purchase Order Number 1504076 to Sensit Technologies, for multiple gas detectors. (On September 16, 2015, the Board of Light, Gas and Water Commissioners approved a contract for the purchase of thirty-eight multiple gas detectors in the amount of \$1,656.00 each and one hundred sixty seven multiple gas detectors in the amount \$1,256.00 which reflects a \$400 credit each for the return of MLGW's existing one hundred sixty seven units for a total of two hundred five multiple gas detectors. Subsequently, it was determined that the correct number being returned was 154. Therefore, the resulting balance is \$5,200.00 for the difference. Plus a \$250 handling and palletizing charge bringing balance due to \$5,450.00. The new contract value amounts to \$278,130.00.)
21. RESOLUTION requesting approval of Corry Capital Advisors (CCA Black Fund), a life settlement fund manager, to manage \$2,750,000 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.
22. RESOLUTION requesting approval of Vida Capital Management (Vida Longevity Fund),
MLGW a life settlement fund manager, to manage \$2,750,000 for the benefit of the
OPEB Trust Fund, as part of a reallocation.
23. RESOLUTION approving Change No. 4 to Contract No. 11574, Commercial Auto Insurance for Out-Of-State Travel, with Pete Mitchell and Associates, Incorporated, in the
funded amount of \$115,465.00. (This change is to renew the current contract for the third of four renewal terms covering the period March 14, 2016 through March 13, 2017 in the amount of \$106,825.00. This renewal reflects a 1.32% premium rate increase for 2016 in the amount of \$1,431.00. In addition, this renewal reflects a premium for four additional vehicles in the amount of \$7,209.00 for a total funded amount of \$115,465.00. Lastly, this change reflects an expansion of scope to allow MLGW to provide emergency out-of-state coverage on an as-needed basis anywhere in the United States.)
24. RESOLUTION approving Change No. 6 to Contract No. 10070, Remote Printer Control Product, with Macro 4, in the funded amount of \$18,224.00. (This change is to renew the annual software maintenance, licenses, and support services for the period covering March 31, 2016 through March 30, 2017. Macro's corporate pricing model dictates an annual 18% maintenance and support services fees; however, MLGW's contract limits

the maintenance and support services fees to 10% of the cost of the renewal reflects a 10% increase from the previous year, due to updates and product enhancements to the software. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Macro 4.)

25.

Spinosa
Personnel &
Intergovern-
mental
Committee

APPOINTMENT

REGIONAL SOLID WASTE PLANNING BOARD

Appointment

Robert Knecht

GENERAL ORDINANCE – THIRD AND FINAL READING

26.

Hedgepeth
Chairman,
Public Works
Committee

ORDINANCE amending the Residential Parking Permit Pilot Program near Overton Square making the program permanent, up for T H I R D and F I N A L reading. Ordinance No. 5610 is sponsored by Engineering and Councilman Worth Morgan.

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

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MLGW DIVISION

27.

Robinson
Chairman,
MLGW
Committee

MLGW DIVISION plans to issue tax-exempt Series 2016 Gas System Revenue Bonds in an original aggregated principal amount of not to exceed \$40,000,000 following completion of the Division's 2015 audited financial statements (anticipated to be June 2016). The Division intends to use a portion of the proceeds of the Bonds to reimburse the Division for costs incurred prior to the issuance of the Bonds. Under federal tax law, in order for the proceeds of tax-exempt Bonds to be used to reimburse the Division for prior expenditures, the Division and the City must declare their official intent to reimburse the Division for prior expenditures with proceeds of the Bonds. This resolution will constitute such declaration of official intent and will allow the Division to utilize a

portion of the Bond proceeds to reimburse the Division for capital expenditures incurred on or after the date that is sixty days prior to the approval date of this Resolution by the City. This resolution is sponsored by MLGW Division. (Held from 2/2)

ACTION REQUESTED: Adopt the resolution

28. MLGW DIVISION plans to issue tax-exempt Series 2016 Water System Revenue Bonds in an original aggregated principal amount of not to exceed \$30,000,000 following completion of the Division's 2015 audited financial statements (anticipated to be June 2016). The Division intends to use a portion of the proceeds of the Bonds to reimburse the Division for costs incurred prior to the issuance of the Bonds. Under federal tax law, in order for the proceeds of tax-exempt Bonds to be used to reimburse the Division for prior expenditures, the Division and the City must declare their official intent to reimburse the Division for prior expenditures with proceeds of the Bonds. This resolution will constitute such declaration of official intent and will allow the Division to utilize a portion of the Bond proceeds to reimburse the Division for capital expenditures incurred on or after the date that is sixty days prior to the approval date of this Resolution by the City. This resolution is sponsored by MLGW Division. (Held from 2/2)

ACTION REQUESTED: Adopt the resolution

29. MLGW DIVISION plans to issue tax-exempt Series 2016 Electric System Revenue Bonds in an original aggregated principal amount of not to exceed \$40,000,000 following completion of the Division's 2015 audited financial statements (anticipated to be June 2016). The Division intends to use a portion of the proceeds of the Bonds to reimburse the Division for costs incurred prior to the issuance of the Bonds. Under federal tax law, in order for the proceeds of tax-exempt Bonds to be used to reimburse the Division for prior expenditures, the Division and the City must declare their official intent to reimburse the Division for prior expenditures with proceeds of the Bonds. This resolution will constitute such declaration of official intent and will allow the Division to utilize a portion of the Bond proceeds to reimburse the Division for capital expenditures incurred on or after the date that is sixty days prior to the approval date of this Resolution by the City. This resolution is sponsored by MLGW Division. (Held from 2/2)

ACTION REQUESTED: Adopt the resolution

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DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC WORKS

30. RESOLUTION requesting an additive change order, in the amount of \$150,000.00, to an existing construction contract (contract amount \$1,870,456.00) providing a complete and comprehensive repair for rewinding four 750 horsepower induction electric motors located at Gayoso Pump Station, 35 West Saffarans for flood control. This change order

Works
Committee

will rebabbit the motor bearings and pump bearings for the induction motors to ensure continued operation. This resolution is sponsored by Public Works Division.

ACTION REQUESTED: Adopt the resolution

31.
Hedgepeth
Chairman,
Public
Works
Committee

RESOLUTION amending the Fiscal Year 2016 Operating Improvement Budget by accepting grant funds in the amount of \$112,673.00 from the Tennessee Department of Environment & Conservation to help fund the purchase of up to 4,368 hundred 96-gallon single stream recycling cards. This resolution is sponsored by Public Works Division.

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

32. RESOLUTION approving the final plat of BEARWATER PARK
SUBDIVISION,
Consent 1ST AMENDMENT, PHASE 2. This resolution is sponsored by City
Engineering.
Case No. S
14-006
Contract No.
CR-5237
Resolution approving the final plat located on the east side of
Third Street,
north of Caldwell Avenue. Cost of the required improvement to be
borne by
the Agency and the Contractor. Resolution also authorizes the
proper officials
to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

33. **APPOINTMENT**
Spinosa
Chairman, **PUBLIC ART OVERSIGHT COMMITTEE**
Personnel &
Intergovern- **Appointment**
mental
Committee Anthony Lee

34. RESOLUTION urging both Tennessee State legislative bodies to vote
against House
Spinosa Bill 1674 and Senate Bill 1621, which set troubling precedent in
undermining local
Chairman, governments' compelling interests in this arena. This resolution is
sponsored by
Personnel & Councilman Boyd, Councilman Ford and Councilman Jones.
Intergovern-
mental
Committee
ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving the Mid-Year clean-up resolution. This
resolution is

Ford sponsored by Finance Division.
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION establishing a task force which should consist of
representatives from
Conrad the City Council, County Commission, Economic Development Growth
Engine,
Chairman, Memphis Regional Chamber, Shelby County School Board, Private
Industry, and
Executive Labor to meet, study and develop a comprehensive plan for an
all-inclusive economy.
Session This resolution is sponsored by Councilwoman Fullilove.

ACTION REQUESTED: Adopt the resolution

February 16, 2016

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ADD-ONS

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Held until March 1, 2016
2. Through 4 – Approved
5. Approved, as amended
6. & 7 – Approved
8. Public Hearing Set for March 1, 2016
9. Through 26 – Approved
27. Through 29 – Approved, as amended
30. Through 36 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF FEBRUARY 2, 2016 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #2, #18, #33 & 34 FROM TONIGHT'S MEETING

Approved